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In re Application of	:	
SHKLARSKY, et al.	:	DECISION ON RENEWED
Application No.: 09/202,617	:	
PCT No.: PCT/IL97/00188	:	PETITION UNDER
Int. Filing Date: 10 June 1997	:	
Priority Date: 18 June 1996	:	37 CFR 1.181
Attorney Docket No.: 26/259	:	
For: ADAPTIVE CAPACITY AND QUALITY	:	
IMPROVEMENTS IN CELLULAR RADIO	:	
SERVICES BY THE REMOVAL OF STRONG	:	
INTERFERENCE SOURCES	:	

This is a decision on applicants' "Renewed Petition Under 37 CFR 1.181." filed on 24 January 2001 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 August 2000, applicant filed a petition requesting withdrawal of a holding of abandonment in the above-captioned case.

On 08 January 2001, applicant was mailed a decision dismissing applicant's petition and affording two months in which to file a response.

On 24 January 2001, applicant filed the present renewed petition.

DISCUSSION

The Official Gazette, at 1156 OG 53, provides that a petition requesting relief based on the grounds that an Office action was not received must be accompanied by a statement that (1) the Office action was not received, (2) attests that a search of the file jacket indicates the Office action was not received, (3) attests that a search of counsel's docket records indicates the Office action was not received and (4) the Petition must also be accompanied by copies of the docket records where the non-received Office action would have been entered. (See also, Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

Applicants previously satisfied items (1) and (3) above.

As to item (2), accompanying the present renewed petition is a declaration in which counsel declares that he has personally reviewed the file jacket for the application and did not find the Notice of Missing Requirements therein. This declaration satisfies Item (2).

Regarding item (4), applicant has still not submitted a proper docket record. Applicant has failed to provide a sufficient explanation as to why a copy of the docket record for all responses due on 23 March 1999 has not been provided. Counsel makes reference to a computer tracking database and mail log, but does not explain the lack of docket record.

Thus, applicants have not provided the proper showing necessary to withdraw the holding of abandonment and the petition may not be properly granted.


CONCLUSION


The Petition to Withdraw Holding of Abandonment under 37 CFR 1.181 has been considered, however, for the reasons indicated above, the petition stands **DISMISSED** without prejudice and the application remains **ABANDONED**.

If reconsideration of the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181." No additional fee is required.

Any renewed petition filed must include a proper reply. A proper reply must include a copy of the docket record for all responses due on 23 March 1999.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.


for Boris Milef
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